

**EXECUTIVE ORDERS, PROCLAMATIONS OF
GENERAL APPLICABILITY, AND STATEMENTS
ISSUED BY THE GOVERNOR
PURSUANT TO A.R.S. § 41-1013(B)(3)**

The Administrative Procedure Act (APA) requires the full-text publication of all Executive Orders and Proclamations of General Applicability issued by the Governor. In addition, the *Register* shall include each statement filed by the Governor in granting a commutation, pardon or reprieve, or stay or suspension of execution where a sentence of death is imposed.

**REVISED
EXECUTIVE ORDER 96-6**

**ESTABLISHMENT OF AIR QUALITY STRATEGIES
TASK FORCE**

WHEREAS, the Phoenix metropolitan area has been designated as a "moderate nonattainment area for ozone pollution by the U.S. Environmental Protection Agency pursuant to the Clean Air Act Amendments of 1990; and

WHEREAS, under the 1990 amendments, "moderate" ozone nonattainment areas must demonstrate that they have met the ozone standard by avoiding violations in 1995 and 1996; and

WHEREAS, the Phoenix metro area experienced 26 exceedances of the ozone standard in 1995; and

WHEREAS, ozone violations result in unhealthful conditions, with threats to the well-being of children, the elderly, and individuals with pre-existing respiratory conditions; and

WHEREAS, reclassification of the Phoenix area to a "serious" classification will result in serious and costly limitations on new economic development and economic expansion; and

WHEREAS, the Department of Environmental Quality, in cooperation with the U.S. Environmental Protection Agency and other agencies, is developing a Voluntary Ozone Reduction Plan to avoid reclassification of the Phoenix area to a "serious" classification; and

WHEREAS, as a result of continued violations of the CO standard, on May 10, 1996, the Environmental Protection Agency published its proposal to reclassify the Phoenix Metropolitan Area as a "serious" nonattainment area; and

WHEREAS, as a result of continued violations of the Particulate Matter Standards, on May 10, 1996, the Environmental Protection Agency published its decision to reclassify the Phoenix Metropolitan Area as a "Serious" Particulate Matter nonattainment area; and

WHEREAS, the reclassification to "Serious" on Particulate Matter and the proposed reclassification to "Serious" for Carbon Monoxide will require the development and implementation of new pollution control measures; and

WHEREAS, avoidance of additional violations of the ozone standard through the implementation of new pollution reduction measures will improve the health of area citizens and avoid a "serious" classification of the Phoenix area.

NOW, THEREFORE, I, Fife Symington, by virtue of the authority vested in me as Governor of the State of Arizona by the Constitution and Laws of the state, do hereby establish the Air Quality Strategies Task Force to:

1. By July 1, 1996, identify both strategies which can be implemented in the summer of 1996 to avoid violations of the ozone standard and means to implement these measures.
2. By November 15, 1996, identify strategies to further reduce ozone carbon monoxide and particulate matter violations in 1995 and subsequent years for legislative and other considerations.
3. Solicit and receive comments on these strategies from citizens, governmental agencies, and other affected parties.
4. Advocate for, and assist in, the adoption and implementation of, these strategies.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

FIFE SYMINGTON
Governor

DONE at the Capitol in Phoenix this sixteenth day of July in the year of Our Lord One Thousand Nine Hundred and Ninety-six and of the Independence of the United States of America the Two Hundred and Twentieth.

ATTEST:

JANE DEE HULL
Secretary of State

**EXECUTIVE ORDER 96-8
(Supercedes 92-32)**

OFFICE FOR EXCELLENCE IN GOVERNMENT

WHEREAS, state government should seek to continually improve the quality of services it provides to the citizens and continually improve the timeliness and responsiveness of its service delivery; and

WHEREAS, state government should seek to continually improve the quality of its management of the citizen's resources; and

WHEREAS, state government should continually work to create an atmosphere where its citizens have the highest degree of confidence in the efficiency of state programs and integrity of those public servants charged with managing the public's resources; and

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WHEREAS, state government's most important asset is its dedicated employees who should be viewed as partners in the pursuit of excellence; and

WHEREAS, a high degree of cooperation and coordination between state agencies is critical to the successful implementation of mutual productivity and efficiency programs; and

WHEREAS, service demands, especially in human resource agencies, continue to grow at a rate in excess of the state's economy and revenue structure; and

WHEREAS, the increasing costs of providing services should not be borne exclusively by the citizens of Arizona in the form of higher taxes; and

WHEREAS, the "Office for Excellence in Government" was established by Executive Order 92-32 on October 22, 1992;

NOW, THEREFORE, I, Fife Symington, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and the laws of this state, hereby order and direct the Office for Excellence in Government within the Office of Management and Budget pursuant to Executive Order 95-17, be responsible for and have authority to:

A. Create, manage, and coordinate the OEG Institute for Excellence in Government. The OEG Institute's functions will include, but are not limited to:

1. Training state agency personnel in basic management tools and skill of strategic planning and performance measurement; budgeting; management and organizational analysis; and program evaluation.
2. Training state agency directors and other executive staff members leadership and management skills. This includes the development and management of a leadership development program for state managers and supervisors consisting of both technical supervisory skills and management skills (Arizona Leadership Academy).
3. Developing a cadre of strategic quality management trainers representing major agencies who in return provide strategic quality management training within their agency and throughout all of state government thereby maximizing scarce training resources.
4. Developing and offering curriculum intended to integrate quality principles and methods in all government services.

B. Manage and coordinate management consulting services that continually improve organizational effectiveness, administrative systems, operational methods, and productivity which result in higher quality services. Such services should be found within a climate that supports mutual cooperation and collaboration between the Office and state agencies.

C. Develop and coordinate an enterprise-wide competitive government program that assists state agencies engaged in privatization efforts to deliver cost-effective and quality services.

D. Manage and coordinate the Governor's "A Spirit of Excellence" award program to recognize teams and organizations that inspire others and have made contributions resulting in improved customer service, increased productivity, and/or decreased costs in state government.

E. Encourage partnerships with volunteers, loaned executives, and other sources of expertise.

F. In conjunction with the Governor's Office of Strategic Planning and Budgeting assist agencies in incorporating efficiency and productivity recommendations into their budget requests.

G. At the direction of the Governor provide personnel and other services to promote the orderly and efficient establishment of newly created state agencies, offices, boards, commissions, programs, and systems.

The intent of this Executive Order is not to add new resources to carry out the functions of the Office for Excellence in Government, but rather to act as a means of consolidating functions through the use of existing resources.

The Office for Excellence in Government shall:

1. Have the responsibility and authority to implement other directives contained in this Executive Order in a timely manner.
2. Develop and submit to the Governor budget and personnel requirements.
3. Provide personnel, services, and other resources as necessary to assist the Governor in performing his duties, under the Arizona Constitution, Article V, § 4, and A.R.S. § 41-101, to supervise the conduct of all executive and ministerial officers, to see that the duties of those officers are performed and to protect the interest of the people and the state by taking care that the laws are faithfully executed.

Other state agencies shall assist and support the Office for Excellence in Government as necessary.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

FIFE SYMINGTON
Governor

DONE at the Capitol in Phoenix this twenty-seventh day of June in the year of Our Lord One Thousand Nine Hundred and Ninety-six and of the Independence of the United States of America the Two Hundred and Twentieth.

ATTEST:

JANE DEE HULL
Secretary of State

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PROCLAMATION

by the

GOVERNOR OF THE STATE OF ARIZONA

Calling a Sixth Special Session of the Forty-second Legislature of the State of Arizona

By the power vested in me by Article IV, Part 2, Section 3, and by Article V, Section 4, of the Arizona Constitution, I, Fife Symington, Governor of the State of Arizona, call the 42nd Legislature to meet in Sixth Special Session in the Capitol on Wednesday, the twenty-sixth day of June, 1996, at 9 a.m.

The subjects to be considered at the special session shall be those statutory changes necessary to:

1. Clarify transaction privilege and use, tax exemptions for tangible personal property used by direct satellite television or data transmission facilities and services.
2. Add direct broadcast satellite television or data transmission services as a "qualifying facility" for purposes of the income tax credits for construction materials incorporated into a qualifying facility.
3. Clarify transaction privilege tax exemptions on the sale of intrastate telecommunications services by and to direct broadcast satellite television or data transmission services.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

FIFE SYMINGTON
Governor

DONE at the Capitol in Phoenix this twenty-first day of June in the year of Our Lord One Thousand Nine Hundred and Ninety-six and of the Independence of the United States of America the Two Hundred and Twentieth.

ATTEST:

JANE DEE HULL
Secretary of State

REVISED

AIR POLLUTION EMERGENCY PROCLAMATION

WHEREAS, Maricopa County is classified as a "moderate" ozone nonattainment area under the 1990 Clean Air Act Amendments, which require the area to adopt an air quality plan that reduces VOC emissions by 15% by 1996 and to attain the National Ambient Air Quality Standards ("NAAQS") for ozone by November 15, 1996; and

WHEREAS, monitoring data from the Department of Environmental Quality ("ADEQ") indicates that the Maricopa County nonattainment area had 26 ozone exceedances, with 6 of those exceedances recorded at a single monitoring site, and 7 sites had more than 1 exceedance during the 1995 ozone season (June 1st through September 30th); and

WHEREAS, the 1995 ozone exceedances may prevent the Maricopa County nonattainment area for ozone from becoming an attainment area by November 15, 1996, and these exceedances place the Maricopa County nonattainment area in jeopardy of becoming a "serious" nonattainment area for ozone, unless the area records no more than 1 exceedance per year monitoring site in 1996, 1997, and 1998; and

WHEREAS, the consequences of becoming a "serious" nonattainment area include significant costs that will negatively impact many sectors of the economy; and

WHEREAS, ozone is a severe irritant that can damage lung tissue, make people more susceptible to respiratory infections, aggravate respiratory disease and is especially harmful to children who are more vulnerable to ozone's harmful effects; and

WHEREAS, because of the known harmful effects of ozone, exceedances of the NAAQS for ozone increase the risk to the public health, safety, and welfare; and

WHEREAS, the sale of gasoline containing quantities of certain VOC causing constituents in amounts greater than 1990 levels could increase tailpipe emissions of VOC from automobiles further placing the Maricopa County nonattainment area in jeopardy of becoming a "serious" nonattainment area for ozone; and

WHEREAS, the regular survey of gasoline conducted by the Motor Vehicle Manufacturers Association in Maricopa County has shown that these VOC causing constituents in gasoline have increased above 1990 levels and that there is a potential that the levels of these constituents could remain above 1990 levels; and

WHEREAS, the Director of ADEQ has determined that there is a strong likelihood of multiple exceedances of the NAAQS for ozone in 1996 unless additional measures are taken to reduce VOC emissions and the Director has communicated this determination to the Governor by letter dated May 23, 1996;

WHEREAS, on July 1, 1996, the Ozone Strategies Task Force, established pursuant to executive order 96-6, adopted measures which can be implemented in the summer of 1996 to avoid violations of the ozone standard and has recommended means to implement those measures;

WHEREAS, I have reviewed and accepted the report of the Ozone Strategies Task Force, including their recommendations for revisions to this proclamation;

NOW, THEREFORE, I, Fife Symington, by virtue of the authority vested in me as Governor of the State of Arizona by the Constitution and Laws of the State, do hereby proclaim the existence of an air pollution emergency pursuant to A.R.S. § 49-465 and further order and direct that:

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- ~~1.~~ On the 15th day of each month, commencing June 15, and terminating October 15, 1996, gasoline refiners, and other suppliers of fuel that is supplied or sold and intended as a final product for the fueling of motor vehicles within the Maricopa County ozone nonattainment area, shall report to the Director of the Department of Weights and Measures the levels of sulfur, T-50, and T-90 contained in such fuel shipped to Maricopa County during the preceding month. The report shall be prepared on a form approved by the Director of the Department of Weights and Measures.
1. By July 22, 1996, and on the 15th day of each month thereafter until October 15, 1996, each gasoline refiner and other suppliers of motor fuel shipped to Maricopa County and intended as a final product for the fueling of motor vehicles in the Maricopa County ozone nonattainment area or elsewhere in the state, shall report to the Director of the ADEQ specification data, as measured at the refinery, applicable to each batch of gasoline fuel shipped during the preceding month. The specification data shall include Reid Vapor Pressure and the levels of sulfur, T-50, T-90, olefins, aromatics and oxygen, and shall be determined in accordance with the applicable American Society for Testing and Materials test methods. The report shall be prepared on a form approved by the Director of the ADEQ. Pursuant to the requirements of A.R.S. § 49-432, the Director of the ADEQ shall treat the data as confidential business information.
2. The Director of the ADEQ ~~and the Director of the Department of Weights and Measures~~ shall cooperate to enforce the provisions of paragraph 1 of this order.
3. For purposes of encouraging refiners to import fuel with parameters that are less likely to elevate ozone concentrations in the Maricopa nonattainment area, within 30 days of the receipt of the reports required pursuant to paragraph 1 of this order, the Director of the ADEQ shall publish the emissions characteristics of the fuel, as measured at the refinery, based upon the results of the EPA complex model. The information published shall also include, for each supplier, a comparison of the emissions characteristics of the fuel shipped during the reporting period to the refinery's 1990 baseline, as reported to U.S. Environmental Protection Agency. The published data shall be accompanied by the following qualification:
- The emissions information provided in this report is based on fuel parameters measured at the refinery. It is common practice in the petroleum industry to commingle fuels from various refiners after the fuel has left the refinery but prior to the addition of the proprietary fuel additives by individual petroleum companies and prior to the fuel's delivery to service stations for sale. Therefore, this information applies only to the quality of fuel leaving the refinery and not the quality of fuel purchased at the pump.
- ~~3-4.~~ The Director of the ADEQ shall review the reports required pursuant to paragraph 1 of this order to determine whether a). Arizona should file a request with the U.S. Environmental Protection Agency to opt in to the federal reformulated gasoline program, as provided in the federal Clean Air Act; or b). appropriate steps should be taken to require that gasoline supplied or sold during any ozone season that is intended as final product for the fueling of motor vehicles in the Maricopa County ozone nonattainment area shall not exceed 116 parts per million of sulfur, 50% distillation (T-50) of 220° F and 90% distillation (T-90) of 339°F and whether the Director of the ADEQ shall submit to the U.S. Environmental Protection Agency amendments to the State Implementation Plan (SIP) to assure that the SIP is amended to reflect these gasoline quality specifications.
- ~~4-5.~~ The Director of the ADEQ shall revise the existing Air Pollution Emergency Plan to include procedures to implement this order and any future order declaring an air pollution emergency where the Director of the ADEQ has notified the Governor of the likelihood or actual exceedance of the NAAQS for ozone.
- ~~5-6.~~ Commencing June 1, 1996, and continuing through September 30, 1996, 85% of the employees of this state and 75% of the employees of Maricopa County and municipalities in the Maricopa County nonattainment area that shall be required to participate in 1 of the following programs
- a. Work schedules that avoid a workday that begins between 7 a.m. and 8:30 a.m., or concludes between 4:30 p.m. and 5:30 p.m.
 - b. A compressed work week schedule such as 4 10-hour days or a 9 day 80-hour pay period.
 - c. Travel to and from work by alternative mode, including bus, car pool, vanpool, or bicycle.
- ~~6-7.~~ Commencing June 1, 1996, and continuing through August 15, 1996, 85% of the employees of public education institutions in the Maricopa County nonattainment area shall be required to participate in 1 of the programs listed in paragraph 6.
- ~~7-8.~~ The Director of the ADEQ shall encourage private employers to prohibit, restrict, or limit their employees vehicle emissions in accordance with any plans or work rules the private employer may have implemented.
9. Commencing July 22, 1996, each agency of this state and its political subdivisions operating in the Maricopa County ozone nonattainment area shall, wherever practicable defer activities which result in emission of reactive organic compounds which contribute to ozone formation. These activities include, where feasible and appropriate, the following:
- a. Prioritizing and rescheduling of painting, metal coating, refinishing, and other emitting activities until after September 30, 1996; and
 - b. Minimizing use of 2-cycle gasoline powered lawn and maintenance equipment, deferring landscaping activities, painting, metal coating, refinishing, and other emitting activities until after 4 p.m.; and
 - c. Scheduling gasoline-powered fleet refueling after 4 p.m.
10. Commencing July 22, 1996, each agency of this state and its political subdivisions shall include in all procurement solicitations, a request for substitute products with low- or no-content of reactive organic compounds.
- ~~8-11.~~ The provisions of this order shall not apply to the use of gasoline incidental to a motor vehicle manufactures prov-

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ing ground or motor vehicle racing event held in the Maricopa County nonattainment area.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

FIFE SYMINGTON
Governor

DONE at the Capitol in Phoenix this sixteenth day of July in the year of Our Lord One Thousand Nine Hundred and Ninety-six and of the

Independence of the United States of America the Two Hundred and Twentieth.

ATTEST:

JANE DEE HULL
Secretary of State